

Court of Appeals, State of Michigan

ORDER

Bobby Markee v Dr. Alan Goldberg

Docket No. 260099

LC No. 04-078116-NH

Patrick M. Meter
Presiding Judge

William C. Whitbeck
Chief Judge

Donald S. Owens
Judge

By order entered May 23, 2005, this Court ordered the application for leave to appeal held in abeyance pending resolution of the motion for reconsideration in *Apsey v Memorial Hospital*, ___ Mich App ___; ___ NW2d ___ (No. 251110, issued 4/19/05). On June 9, 2005, the *Apsey* panel granted reconsideration and issued a published opinion, *Apsey v Memorial Hospital (On Reconsideration)*, ___ Mich App ___; ___ NW2d ___ (No. 251110, issued 6/9/05), lv pending. We would note that the fact that an application for leave to appeal is pending in the Michigan Supreme Court does not diminish the precedential effect of *Apsey*. MCR 7.215(C)(2). In light of *Apsey*, the application for leave to appeal is again considered and it is DENIED for lack of merit in the grounds presented.

The stay previously ordered by this Court is lifted.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

AUG 3 2005

Date

Sandra Schultz Mengel
Chief Clerk